

## REMARKS

Applicant is in receipt of the Office Action mailed on December 29, 2006. Claims 28-48 remain pending in the application.

The Examiner rejected claims 28-48 under 35 U.S.C. §102(e) as being anticipated by Malik, D.W., (U.S. Patent Publication No. 2006/0095527). Applicant respectfully traverses and submits that claims 28-48 are allowable over Malik.

Regarding claim 28, Applicant respectfully submits that Malik does not teach or suggest at least the following language of that claim (emphasis added):

backing up said plurality of e-mail messages to a storage medium...

if a current one of the plurality of e-mail messages includes an attachment:

...

buffering the extracted metadata in a corresponding entry in a data structure; and

storing the current e-mail message and the extracted metadata on the storage medium without the attachment....

Malik is directed to “attachment files *stored in the e-mail communications server*,” Malik [0002], (emphasis added). A word search of Malik for the terms “back[ing] up” and “archiv[ing]” results in no matches. In fact, Malik refers to “storing” “an e-mail communication” and “attachment files” “*received* in an e-mail server,” and also discloses “provid[ing] an e-mail communications server.” *Id.*, [0011-0014], (emphasis added). In contrast, claim 28 recites “**backing up** said plurality of e-mail messages,” which Applicant submits is substantially different from Malik’s “e-mail server.”

Furthermore regarding claim 28, Malik teaches that “[i]f the duplication checker determines, in step 38, that there are no copies of the attachment file previously stored in the mail store 23, then the mail store *stores the attachment file*.” Malik, [0029],

(emphasis added). On the other hand, claim 28 teaches “for each of said plurality of email messages: if a current one of the plurality of e-mail messages *includes an attachment*:.... storing the current e-mail message and the extracted metadata on the storage medium *without the attachment*” (emphasis added). Applicant respectfully submits that the features recited in claim 28 patentably distinguish over Malik’s “e-mail server.”

Regarding claim 38, for reasons similar to those presented in support of claim 28, Applicant submits that Malik does not teach or suggest “storing each of said plurality of e-mail messages to a sequential backup medium *without any attachments*” (emphasis added). Malik teaches a method that is performed “[w]hen *an* e-mail communication is received” Malik, [0024]; Fig. 3, step 30. In Malik, “the e-mail communications server” “intercepts e-mail communication files *prior to storage*.” Malik [0022], (emphasis added). Applicant respectfully submits that Malik’s method does not teach or suggest “*after storing* said *plurality* of e-mail messages...*subsequently storing*...only one instance of any attachments,” as recited in claim 38 (emphasis added).

Claims 36 and 39 are believed patentably distinct over Malik for reasons similar to those given for claims 28 and 38.

For at least the reasons provided above, Applicant respectfully submits that claims 28, 36, 38 and 39, along with their respective dependent claims, patentably distinguish over Malik.

Applicant also submits that numerous other dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

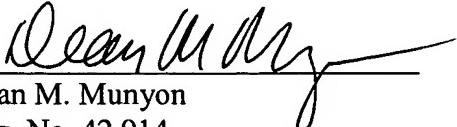
## **CONCLUSION**

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5760-15700/DMM.

Respectfully submitted,

Date: February 28, 2007

By:   
Dean M. Munyon  
Reg. No. 42,914

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P. O. Box 398  
Austin, Texas 78767  
(512) 853-8847